

CHAPTER 20.83

RESIDENTIAL CONDOMINIUM PROJECTS

Sections:

20.83.005	Intent and Purpose
20.83.008	Condominium Conversions Regulated by Title 19
20.83.010	Definitions
20.83.015	Required Approvals
20.83.040	Existing Structures and Uses -Approved Plans

20.83.005 Intent and Purpose

The City Council finds and determines that residential condominium projects differ in many aspects from other types of construction and form of ownership and development. Therefore, these regulations are adopted to guide the development of new residential condominium projects. It is the intent of these regulations to provide a balanced mix between ownership and rental housing in order to assure the development of a variety of housing types to serve the needs of the community.

20.83.008 Condominium Conversions Regulated by Title 19

This Chapter shall apply only to new condominium projects. Conversions of existing rental housing to condominiums shall be regulated by the provisions of Title 19 (*Subdivision Code*).

20.83.010 Definitions

The following terms used herein shall have the meanings indicated:

- A. Condominium. The term "condominium" shall mean and include the following: A condominium project, community apartment project, or stock cooperative, as defined in Section 1351 of the California Civil Code. In addition, for the purpose of this Chapter, development which offers own-your-own or fee ownership units, whereby the individual owns land directly below the "footprint" of said unit, and all other land within the project is owned in common, shall be defined as a "condominium".
- B. [Reserved]
- C. Project. The term "project" shall mean the entire parcel of real property proposed to be used or divided, as land or airspace, into two or more units as a condominium.

- D. Unit. The term "unit" shall mean the particular area of land or airspace that is designed, intended or used for exclusive possession or control of individual owners or occupier.

20.83.015 Required Approvals

- A. Condominium projects may be permitted in any district in which residential uses are permitted, including planned communities, except within the R-1.5 District (Balboa Island), subject to approval under the provisions of this Chapter and Title 19 (*Subdivision Code*). In planned community districts, residential developments, all or part of which have been specifically designated as condominium projects on the approved planned community development plan, shall be permitted in accordance with the provisions of said plan.
- B. [Reserved]
- C. Condominium projects containing 5 or more units shall be approved by the Planning Commission via a tentative tract map. Condominium projects containing 4 or less units shall be approved by the Zoning Administrator via a tentative parcel map.
- D. No person shall construct a new condominium development within the City of Newport Beach without first complying with the provisions of this Chapter.

20.83.040 Existing Structures and Use -Approved Plans

Any residential condominium development, whether originally established as such or converted from multi-family units, which lawfully exists on the effective date of this Chapter (September 10, 1979), or for which building permits have been issued, or for which an approved planned community development plan specifically provides that proposed residential developments shall be condominiums, shall be permitted to continue such use as approved. Any addition, expansion or substantial alteration of the development plans shall be subject to all provisions of this Chapter and Title 19 (*Subdivision Code*).